

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MISSOURI PRIMATE FOUNDATION,)
et al.,)
)
Plaintiff,)
) Case No: 4:16-cv-2163-CDP
v.)
)
PEOPLE FOR THE ETHICAL)
TREATMENT OF ANIMALS, INC., et)
al.)
)
Defendants.)

PLAINTIFF/COUNTERCLAIM DEFENDANT CONNIE BRAUN CASEY'S RESPONSE
MEMORANDUM OF LAW TO DEFENDANT/COUNTERCLAIM PLAINTIFF'S
MOTION TO COMPEL DEPOSITION

COMES NOW Plaintiff/Counterclaim Defendant Connie Braun Casey (hereinafter "Casey"), by and through undersigned counsel, and for her Response Memorandum of Law to Defendant/Counterclaim Plaintiff's Motion to Compel Deposition, and states as follows:

Defendants/Counterclaim Plaintiffs People for the Ethical Treatment of Animals, Inc. and Angela Scott (hereinafter collectively referred to as "PETA") have filed a Motion to Compel the deposition of Casey. Casey will present herself for deposition at a reasonable, mutually agreed time and location.

As this Court is aware, this Court granted Casey's prior counsel's Motion for Leave to Withdraw on September 4, 2018. Present counsel for Casey has just entered this case, and is attempting to obtain all file materials and review the various pleadings and motions that have been filed up to this time in the case. Until present counsel has had a reasonable opportunity perform that work, it will not be possible to present Casey for a deposition.

As a result of present counsel's need to become familiar with the relevant materials in this case, certain requests that PETA makes in its Motion to Compel Casey's depositions are not reasonable or feasible. First, counsel is unlikely to be able to present Casey for a deposition within 14 days. Second, it is not reasonable to award PETA attorneys' fees with respect to the filing of the Motion to Compel Deposition.

Consequently, it is appropriate to allow Casey's new counsel a chance to become familiar with the relevant file materials and then to schedule Casey's deposition to allow this case to proceed in an orderly fashion.

WHEREFORE, Plaintiff/Counterclaim Defendant Connie Braun Casey prays that this Court denies the Motion to Compel Deposition filed by Defendants/Counterclaim Plaintiffs People for the Ethical Treatment of Animals, Inc. and Angela Scott to the extent that it seeks to set the deposition of Casey unreasonably soon given the posture of the case and to the extent it seeks costs from Casey, and for such other and further relief this Court deems necessary and proper under the circumstances.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was sent by the Court's electronic filing system on this 7th day of September 2018 to:

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